

## Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-01  
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02  
SS-15 USIA-06 HA-05 TRSE-00 /074 W  
-----120337 250348Z /64

R 241046Z JAN 78

FM AMEMBASSY ISLAMABAD  
TO SECSTATE WASHDC 5568  
INFO AMEMBASSY ANKARA  
AMEMBASSY COLOMBO  
AMEMBASSY DACCA  
AMEMBASSY KABUL  
AMCONSUL KARACHI  
AMCONSUL LAHORE  
AMEMBASSY LONDON  
AMEMBASSY NEW DELHI  
AMEMBASSY PARIS  
AMEMBASSY TEHRAN  
CINCPAC

C O N F I D E N T I A L SECTION 1 OF 2 ISLAMABAD 0794

CINCPAC FOR POLAD

E.O. 11652: GDS  
TAGS/PK, PGOV, PINT  
SUBJECT: THE ACCOUNTABILITY PROCESS

1. FOR THOSE INCREASINGLY PUZZLED BY THE TANGLED FABRIC  
OF PAKISTAN'S CURRENT "ACCOUNTABILITY PROCESS," THE  
EMBASSY OFFERS THE FOLLOWING GUIDE TO SKEINS.

2. "ACCOUNTABILITY" HAS BECOME POLITICAL SHORTHAND IN  
PAKISTAN FOR THE PROCESS WHEREBY THE RECORDS AND PERFORMANCE  
OF FORMER ELECTED AND NON-ELECTED OFFICE-HOLDERS ARE BEING  
SCRUTINIZED SO THE OFFICIALS CAN BE HELD RESPONSIBLE FOR  
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MISDEEDS COMMITTED WHILE IN OFFICE. ALTHOUGH THEORETICALLY  
THE PROCESS AFFECTS BUREAUCRATS AND POLITICIANS ALIKE AT THE PROVI-  
NCIAL AND FEDERAL LEVELS, IN REALITY IT IS  
PRIMARILY DESIGNED TO DISCREDIT FORMER PRIME MINISTER  
BHUTTO AND HIS PARTY COHORTS.

3. THE PROCESS OF ACCOUNTABILITY IS NOW MOVING ON THREE

SEPARATE TRACKS.

--- DISQUALIFICATION HEARINGS - THE FIRST TRACK IS A SPECIAL MARTIAL LAW BOARD, CHAIRED BY GENERAL ZIA, WHICH WILL REVIEW THE ACTIVITIES OF FORMER ELECTED OFFICE- HOLDERS, DISQUALIFYING MANY OF THEM FROM CONTESTING THE NEXT ELECTIONS. EACH OF THE FOUR PROVINCIAL MARTIAL LAW ADMINISTRATIONS (MLA) HAS BEEN SCRUTINIZING THE ASSETS DECLARATIONS FILED BY ALL FORMER ELECTED OFFICE-HOLDERS. QUESTIONABLE DECLARATIONS ARE INVESTIGATED BY FEDERAL AUTHORITIES AND, IF EVIDENCE OF CORRUPTION IS FOUND, IT IS PASSED TO THE MARTIAL LAW AUTHORITIES. THE PROVINCIAL MLA'S THEN RECOMMEND TO THE FEDERAL BOARD WHO SHOULD BE DISQUALIFIED. ACCORDING TO PRESS REPORTS, THE PUNJAB MLA, THE ONLY ONE TO REPORT SO FAR, RECOMMENDED THAT 105 FORMER NATIONAL AND PROVINCIAL ASSEMBLY MEMBERS BE DISQUALIFIED; A FURTHER 195 FORMER OFFICE-HOLDERS WERE EXONERATED. 241 CASES REMAIN TO BE DISPOSED OF IN PUNJAB ALONE.

WE UNDERSTAND THERE IS NO APPEAL FROM THE FEDERAL BOARD'S FINDINGS, AND IT CAN DISQUALIFY CANDIDATES FROM THE NEXT ELECTION ONLY. ANY FURTHER ACTION -- INCLUDING CRIMINAL PROCEEDINGS -- MUST BE PURSUED IN THE REGULAR COURT SYSTEM. THIS DISQUALIFICATION PROCESS WILL PROBABLY BE COMPLETED BY THE END OF MARCH OR EARLY APRIL.

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--- TRADITIONAL LEGAL SYSTEM - CIVIL AND CRIMINAL CASES ARE PROCEEDING AGAINST BHUTTO AND OTHERS. IN THE MOST NOTABLE CRIMINAL HEARING, THE GOVERNMENT HAS NOW COMPLETED PRESENTING ITS CASE THAT THE FORMER PM CONSPIRED TO MURDER A NATIONAL ASSEMBLY MEMBER. GENERAL ZIA HAS SAID THE MLA WILL LODGE BETWEEN EIGHT AND TWELVE ADDITIONAL CASES, INCLUDING SUBVERSION OF THE CONSTITUTION, AGAINST BHUTTO IN THE REGULAR COURTS. ZIA ALSO NOTED THAT THE GOVERNMENT HAS SOLID EVIDENCE TO SUPPORT AS MANY AS 80-100 ADDITIONAL CASES AGAINST THE FORMER PRIME MINISTER. A POSSIBILITY EXISTS, MOREOVER, THAT BHUTTO WILL ALSO BE CHARGED WITH TREASON FOR HIS ACTIONS CONCERNING EAST PAKISTAN IN 1970-71; CONVICTION ON THIS CHARGE COULD PRODUCE THE DEATH PENALTY.

--- SPECIAL COURTS -- THE FINAL TRACK IS THE ESTABLISHMENT OF 12 SPECIAL COURTS, COMPOSED OF JUDGES SECONDED FROM THE PROVINCIAL HIGH COURTS. THESE SPECIAL COURTS HAVE A LIMITED MANDATE: TO CONSIDER CASES AGAINST FORMER ELECTED OFFICE HOLDERS. ONE OF THE 12 COURTS WILL CONSIDER ONLY CASES AGAINST FORMER PRIME MINISTERS OR PRESIDENTS,

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C O N F I D E N T I A L SECTION 2 OF 2 ISLAMABAD 0794

CINCPAC FOR POLAD

I. E. BHUTTO. ZIA ESTABLISHED THE SPECIAL COURTS TO  
SPEED UP THE ACCOUNTABILITY PROCESS WHILE RETAINING  
TRADITIONAL LEGAL GUARANTEES FOR THE DEFENDENTS.

4. GENERAL ZIA SAYS THAT ELECTIONS WILL NOT BE HELD  
UNTIL THE ACCOUNTABILITY PROCESS IS FINISHED; HE SHOULD  
NOT BE TAKEN LITERALLY, HOWEVER. TO CLEANSE THE ENTIRE  
PAKISTANI POLITICAL SYSTEM WOULD BE A HERCULEAN TASK  
MEASURED IN YEARS, NOT MONTHS. FOR PAKISTAN'S INTERIM  
GOVERNMENT, THE ACCOUNTABILITY PROCESS WILL BE COMPLETED  
THE DAY IT BELIEVES BHUTTO HAS BEEN DISCREDITED AND CAN  
NO LONGER RETURN TO OFFICE THROUGH NATIONAL ELECTIONS.  
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ZIA IS CONVINCED THAT THE GROWING EVIDENCE OF BHUTTO'S CRIMES AND "EVIL NATURE" WILL EVENTUALLY REPULSE MOST PAKISTANIS, AND HIS FORMER FOLLOWERS WILL TURN AGAINST HIM.

5. THERE ARE OTHERS WHO CONTEND THAT AS THE MLA PROCEEDS DOWN THIS TRACK, IT WILL BE ABLE TO DISQUALIFY BHUTTO, EVEN IMPRISON HIM, BUT IT WILL BE UNABLE TO DISCREDIT HIM. SOME GO SO FAR AS TO SUGGEST THAT POLITICAL MURDER IS SUCH AN "ACCEPTED" PHENOMENON IN PAKISTAN THAT NOT EVEN A MURDER CONVICTION WILL DIM BHUTTO'S LUSTER. IT IS TOO SOON TO KNOW WHETHER ZIA'S ASSESSMENT IS CORRECT, OR WHETHER THOSE WHO BELIEVE ANTI-BHUTTO ACTIVITIES WILL ONLY ENSURE THE FORMER PM'S CONTINUING POPULARITY ARE RIGHT. WHAT IS PROBABLE, HOWEVER, IS THAT THE END OF THE DISQUALIFICATION PROCESS -- SOMETIME IN THE EARLY SPRING -- WILL OFFER THE MLA AN OPPORTUNITY TO ANNOUNCE AN ELECTION DATE FOR SOME TIME LATER IN THE YEAR IF IT CHOOSES TO DO SO. THOSE DISQUALIFIED WILL BE KNOWN, AND THE POLITICIANS WHO WILL BE HELD FURTHER ACCOUNTABLE WILL BE AMONG THOSE ALREADY DISQUALIFIED. THOSE EXONERATED WILL BE CLEARED TO RUN AND TO SCRAMBLE FOR LEADERSHIP POSITIONS IN THE PARTIES. EVEN AFTER THAT CLEAR DIVIDING POINT, HOWEVER, THE LEGAL PROCESS OF ACCOUNTABILITY COULD GO ON FOR YEARS, GIVEN APPEALS, CONTINUING WELL INTO THE NEXT ADMINISTRATION. HUMMEL

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## Message Attributes

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